

## **REMARKS**

By the subject Amendment, Applicants have amended Claims 1, 10, 21, 25, 27, 29 and 32. Claim 35 has been cancelled. Accordingly, Claims 1 to 7, 10 to 18, 21 to 29, 31, 32, 34, 40, 41, 43, 44 and 46 are pending herein.

In the Office Action of December 26, 2007, pending claims 1-4, 7, 10-16, 21-29, 31, 32, 34, 35, 37, 38, 40, 41, 43, 44 and 46 were rejected under 35 USC 102 based on the U.S. Patent No. 4,374,544 of Westerman and claims 5, 6, 17 and 18 were rejected under 35 USC 103(a) as being unpatentable over Westerman in view of U.S. Patent No. 4,942,763 of Harpster.

Applicant notes that the patent of Westerman is uniquely concerned with an automated control system for the injection of fluid into a subterranean formation. Westerman is in no way concerned with an apparatus to control the rate of flow of pressurized fluid through a conduit that includes a flow control device as part of a continuous loop fluid circuit where the control device is adjustable to control the release of pressurized fluid from the continuous loop fluid circuit. No fluid loop circuit is disclosed or contemplated by Westerman. In Westerman, fluid passes through flow line 108, through filter 12, past turbine meter 11 and eventually into tubing 109 (column 2, lines 40-45). Westerman does not describe a continuous loop fluid circuit, but merely the pumping of fluid from a source into an underground formation.

The office action equates control valve 10 of Westerman with Applicant's claimed flow control device and asserts that control valve 10 of Westerman is said to be the means used to regulate the flow of fluids through the flow line down into the subterranean formation (column 2, lines 37-40). However, in Westerman, items 2, 8 and 9 are electrical cables that transmit signals between various components and controller 7. Based upon the readings from downhole pressure sensor 1,

and turbine meter 11, controller 7 of Westerman sends out an electrical signal through cable 8 causing control valve 10 to open or close to thereby control the volume of fluid injected into the well. Westerman does not teach or suggest utilizing control valve 10 to release pressurized fluid from a continuous loop fluid circuit, as claimed by Applicant. Control valve 10 is merely an automated system that opens and closes a valve in response to downhole pressure readings.

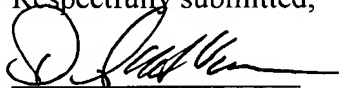
Thus the claims as currently amended are clearly distinguished from the teachings of Westerman. Furthermore, Harpster does not supply the shortcomings of Westerman noted above and therefore the claims are not obvious in view of the combination of Westerman and Harpster.

Applicants respectfully submit that the subject patent application is in condition for allowance. Accordingly, it is respectfully requested that the subject patent application be passed to issuance without delay.

It is believed that no fees are due. However, should that determination be incorrect, the Commissioner is hereby authorized to charge any deficiencies to Deposit Account No. 50-0562 and notify the undersigned in due course.

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Respectfully submitted,



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